

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MID-CONTINENT CASUALTY
COMPANY

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Plaintiff,

v.

CAUSE NO. 4:08-cv-00021

ACADEMY DEVELOPMENT, INC.,
CHELSEA HARBOUR, LTD., LEGEND
CLASSIC HOMES, LTD., AND
LEGEND HOME CORPORATION

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Defendants

DEFENDANTS' DESIGNATION OF EXPERT WITNESSES

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, the Defendants, Academy Development, Inc., Chelsea Harbour, Ltd., Legend Classic Homes, Ltd., and Legend Home Corporation (collectively, "Defendants"), and file their Designation of Expert Witnesses as follows:

1. Mr. Rusty Hardin
Rusty Hardin & Associates, P.C.
5 Houston Center
1401 McKinney, Suite 2250
Houston, Texas 77010
(713) 652-9000

Mr. Hardin is an attorney licensed to practice law in Texas, with over 30 years of litigation experience. He will testify regarding the reasonableness and necessity of attorneys' fees and costs incurred defending the Budiman lawsuit. He will also testify with regard to the normal and customary charges for legal services rendered in Texas civil cases that proceed through a trial to reach a verdict. Mr. Hardin's opinions are based on his knowledge, skill, experience, training and education, as well as his participation in the Budiman lawsuit and numerous lawsuits that proceed through jury trials. His resume is attached as Exhibit "A".

2. Mr. Lee H. Shidlofsky
Visser Shidlofsky L.L.P.
7200 N. Mopac Expressway
Suite 430
Austin, Texas 78731
(512) 795-0600

Mr. Shidlofsky is an attorney licensed to practice law in Texas. He will testify regarding the reasonableness and necessity of attorneys' fees and costs incurred defending the Budiman lawsuit. He will also testify with regard to the normal and customary charges for legal services rendered in Texas for the prosecution and defense of insurance coverage cases. Mr. Shidlofsky's opinions are based on his knowledge, skill, experience, training and education, as well as his review of the documents produced in this litigation. His resume and curriculum vitae is attached as Exhibit "B".

3. Mr. Patrick D. Sullivan
Hoover Slovacek, L.L.P.
San Felipe Plaza
Suite 2200
5847 San Felipe
Houston, Texas 77057
(713) 977-8686

Mr. Sullivan is an attorney licensed to practice law in Texas. He will testify regarding the reasonableness and necessity of attorneys' fees and costs incurred defending the Budiman lawsuit. He will also testify with regard to the normal and customary charges for legal services rendered in Texas civil cases. Mr. Sullivan's opinions are based on his knowledge, skill, experience, training and education, as well as his participation in the Budiman lawsuit and numerous other civil cases. His resume is attached as Exhibit "C".

The Defendants reserve the right to designate and call, by deposition or at trial, any expert witness designated by Mid-Continent Casualty Company in this litigation, if any. The Defendants reserve the right to designate any additional expert witnesses, should it become necessary to do so, since discovery is not complete. The Defendants additionally reserve the right to elicit expert opinion or lay opinion testimony from any witness at the time of trial which would be truthful, which would be a benefit to the jury

to determine material issues of fact, and which would not violate any existing Court Order or the Federal Rules of Civil Procedure.

The Defendants further reserve the right to withdraw the designation of any expert and to aver positively that any such previously designated expert will not be called as a witness at trial, and to re-designate same as a consulting expert, who cannot be called by opposing counsel.

The Defendants further designate all parties to this suit and all experts designated, if any, by any party to this lawsuit, even if the designating party is not a party to this suit at the time of trial.

Respectfully Submitted,

By: /s/ Lee H. Shidlofsky
Lee H. Shidlofsky
Texas Bar No. 24002937
Southern District No. 22026
Melissa L. Kelly
Texas Bar No. 24055766
Southern District No. 685892
COUNSEL FOR DEFENDANTS

OF COUNSEL:

VISSEN SHIDLOFSKY LLP
7200 N. Mopac Expwy., Suite 430
Austin, Texas 78731
(512) 795-0600
(866) 232-8709 FAX
Email: lee@vsfirm.com

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of September, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to each counsel of record. To the extent any such counsel is not registered for such electronic delivery, the foregoing document will be served in accordance with the Federal Rules of Civil Procedure.

/s/ Lee H. Shidlofsky

Lee H. Shidlofsky